

REMARKS

The Office Action mailed November 18, 2005 has been reviewed and carefully considered. The Examiner's indication of allowable subject matter for claim 16 is appreciated. Claim 16 is redrafted into independent form, with the clarification suggested by the Examiner. Claims 3 and 8 are, likewise, redrafted into independent form. The pre-existing parent claims, 1, 7, and 14 are canceled, and their claim dependencies are correspondingly updated to claims 3, 8 and 16 instead. Claims 2-6, 8-13 and 15-20 are pending, the independent claims being 3, 8 and 16. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claim 16 is redrafted into independent form, as suggested by the Examiner. In addition, the language clarification suggested by the Examiner is now made to claim 16. Claim 16 is accordingly deemed patentable.

Claims 1-3, 7-10 and 20 stand rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,614,951 to Lin.

Claim 3, now redrafted into independent form, recites, ". . . said second layer being disposed for coupling said first layer to the grating array . . ." Lin fails to disclose or suggest this feature.

Item 2 of the Office Action suggests that the first and second layers of the

present invention correspond, in Lin, to the light transmitting medium 32 and the obstruction 26.

Item 2 further suggests that the Lin obstruction 26 is "for . . . coupling a signal from . . ."

However, firstly, coupling a signal would not constitute "coupling said first layer to the grating array . . ."

Secondly, the Lin obstruction 26 "is configured to diffract a light signal as the light signal travels" (col. 5, lines 18-19); the Lin obstruction is not "for . . . coupling a signal from . . ."

Notably, as seen for example, in FIGs. 3E, 3F, the medium 32 completely and integrally surrounds the obstruction 26.

In short, the proposition, by the Office Action, that the Lin obstruction 26 is "disposed for coupling" the Lin light transmitting medium 32 "to the grating array" cannot be sustained.

For at least the above reasons, Lin fails to anticipate the present invention as recited in claim 3. Nor do the instant applicants believe that Lin can be modified to resemble claim 3. Moreover, there does not appear to have been any motivation to do so.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 8 recites, ". . . a first layer and a second layer that are disposed in series between the input waveguide and the grating array so that the layers collectively couple the input waveguide to the grating array. . ."

Lin fails to disclose or suggest this feature.

Firstly, what the Office Action calls, in Lin, the first layer integrally surrounds what the Office Action calls, in Lin, the second layer. Accordingly, the Lin layers are not "disposed in series."

Item 2 of the Office Action suggests, "light goes . . . to the first layer to the second layer to the grating in series . . ." The instant applicants traverse this suggestion by the Office Action. At best, Lin light travels from the first layer to the second layer, then back to the first layer and then to the grating. In any event, the Lin light transmitting medium 32 and obstruction 26 are not "disposed in series between the input waveguide and the grating array so that the layers collectively couple the input waveguide to the grating array. . ." The proposition by the Office Action to the contrary cannot be sustained.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 14 and 15 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 6,169,838 to He et al. ("He").

Claim 14 and 16 now depend from claim 16, which is deemed to be

patentable and are likewise patentable.

Claims 6 and 13 stand rejected under 35 U.S.C. 103(a) as unpatentable over Lin.

Claims 6 and 13 now depend from claims 3 and 8, which have been deemed to be patentable and are likewise patentable.

Claims 4 and 11 stand rejected under 35 U.S.C. 103(a) as unpatentable over Lin in view of U.S. Patent No. 4,812,012 to Terada et al. (“Terada”).

Claims 4 and 11 now depend from claims 3 and 8 respectively, which have been shown to be patentable. Claims 4 and 11 are likewise patentable.

Claims 5 and 12 stand rejected under 35 U.S.C. 103(a) as unpatentable over Lin in view of U.S. Patent Publication No. 2003/0021567 to Yoneda.

Claims 5 and 12 now depend from claims 3 and 8 respectively, which have been shown to be patentable. Claims 5 and 12 are likewise patentable.

Claim 19 stands rejected under 35 U.S.C. 103(a) as unpatentable over He.

Claim 19 now depends from claim 16, which has been deemed patentable. Claim 19 is likewise patentable.

Claim 17 stands rejected under 35 U.S.C. 103(a) as unpatentable over He in view of Terada.

Claim 17 now depends from claim 16, and is likewise patentable.

Amendment
Serial No. 10/625,161

Docket No. 5000-1-414

Claim 18 stands rejected under 35 U.S.C. 103(a) as unpatentable over He in view of Yoneda.

Claim 18 now depends from claim 16, and is likewise patentable.

As to the other rejected claims, each depends from a respective base claim, and is deemed to distinguish patentably over the applied reference(s) for at least the same reason(s) cited above with respect to the base claim.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Amendment
Serial No. 10/625,161

Docket No. 5000-1-414

In the event that any additional fee is required to continue the prosecution of this Application as requested, please charge such fee to Deposit Account No. 502-470. If the Examiner has any questions regarding this Application, it is respectfully requested that the Applicants' attorney of record be contacted at the below-noted telephone number.

Respectfully submitted,

CHA & REITER


By: Steve S. Cha
Attorney for Applicants

Date: 2/14/06

Mail all correspondence to:

Steve S. Cha
CHA & REITER
210 Route 4 East, #103
Paramus, NJ 07652
Tel. (201) 226-9245
Fax. (201) 226-9246

SC/dr

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to COMMISSIONER FOR PATENTS, ALEXANDRIA, VA 22313 on 2/14/06.

Steve S. Cha, Reg. No. 44,069
(Name of Registered Rep.)


(Signature and Date)